

## **EXHIBIT X**

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

AGENCE FRANCE PRESSE,

Plaintiff,

vs.

CASE NO. 10-CV-2730-WHP

DANIEL MOREL,

Defendant and Counterclaim Plaintiff.

vs.

AGENCE FRANCE PRESSE,

Counterclaim Defendant,

and

GETTY IMAGES (US), INC., CBS BROADCASTING, INC.,  
ABC, INC., TURNER BROADCASTING SYSTEMS INC., THE  
WASHINGTON POST COMPANY and (AFP and Getty Licensees  
does 1 - et al.,

Third-Party Counterclaim Defendants.

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\*\*\* C O N F I D E N T I A L \*\*\*

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Videotaped deposition of Agence  
France Press, By GILLES TAROT, taken by  
Joseph Baio, before Elizabeth Santamaria,  
Certified Court Reporter, at the Law Offices  
of Willkie Farr & Gallagher, 787 Seventh  
Avenue, New York, New York, on Thursday,  
September 15, 2011, beginning at 6:21 p.m.  
and ending at 8:11 p.m.

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2 Reference." What is that referring to?

3 A. It is the ID of the photo.

4 Q. The ID that's generated by AFP's  
5 computer system?

6 A. Yes.

7 Q. Is it a picture reference that is  
8 unique to the sale or is it unique to the image or  
9 something else?

10 A. It's unique to the image.

11 Q. And --

12 A. There is no different number for  
13 sales or -- I mean there is a unique ID per picture.

14 Q. And what is your understanding as to  
15 the number of pictures that were licensed or sold by  
16 AFP that were Daniel Morel pictures?

17 A. My understanding is eight pictures.

18 Q. So there should be only eight unique  
19 numbers here, correct?

20 A. Correct. Except that in 2010 when  
21 this photo were numbered, AFP had two way of  
22 numbering the photo. We had -- we were making the  
23 difference between realtime and archiving using the  
24 same numbers. So when you see the same number with  
25 a "TR" in front of the number, it means it's a

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2 realtime photo. But it's the same ID following this  
3 TR. Just TR. Two letters.

4 Q. So that with that exception, there  
5 should only be eight unique numbers?

6 A. Correct.

7 Q. And what is the next column, download  
8 request date and GMT time?

9 A. It's the time where the photo was  
10 downloaded by a particular client listed in column 5  
11 or -- with the login listed in column 3 and the time  
12 of the download.

13 Q. And when you say the time of the  
14 download, what actually occurred at the time that's  
15 indicated? Was it a right click? Was it an order?  
16 Was it a filled order?

17 A. It's a download that allows the  
18 customer to download the picture file.

19 Q. And how do customers -- how did  
20 customers do that in January of 2010?

21 A. They click on the icon on our  
22 database associated with the product. So until they  
23 do that, they just view the photo but they cannot  
24 reuse it.

25 Q. And where do they -- where do they

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2 log onto in order to see the images?

3 A. They log on a password-protected  
4 platform called Image Forum.

5 Q. And what is their first interface?  
6 Is it on AFP.com or is it some other URL?

7 A. The first -- the only URL that we  
8 have is AFP.com. It's Image Forum.com. AFP.com is  
9 just an institutional website presenting the  
10 activities and products of AFP, but it doesn't give  
11 any view or access to products, just a few samples.

12 Q. Can you through AFP.com access by  
13 applying the password the Image --

14 I'm sorry, I forgot the name of it.

15 A. Image Forum.

16 There is a link on AFP.com where you  
17 can click and you can -- you are redirected to the  
18 Image Forum login page where you enter your login  
19 and password.

20 Q. So on Image Forum the user has to  
21 check in beforehand and if that user downloads the  
22 image, there will be an automatic billing process?

23 A. Not an automatic billing process. It  
24 will be downloading process and then we have to do  
25 billing separately.

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2 Exhibit 2 a similar document with Bates  
3 numbers 921 to 926, this multi-page  
4 document with "Lisandro Suero" as the  
5 title.

6 (Tarot Exhibit 2, pages bearing Bates  
7 Nos. AFP000921 - AFP000926, marked for  
8 identification.)

9 Q. What is Tarot Exhibit No. 2?

10 A. So it's the equivalent document of  
11 document number 1, but for photos it identify under  
12 the name of Lisandro Suero.

13 Q. And it's providing the same  
14 information for such images; is that correct?

15 A. Correct.

16 Q. Just looking at 1 -- Tarot 1 and  
17 Tarot 2, you will notice that there are a number of  
18 sales on January 13 of some images that were  
19 entitled or credited to Lisandro Suero and others  
20 that were credited to Daniel Morel, correct?

21 A. Correct.

22 Q. And does that lead you to conclude  
23 that simultaneously AFP was making available some  
24 images that had Lisandro Suero's name on them and  
25 others that had Daniel Morel's name on them?

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2 A. My understanding is that there have  
3 been a change of credit and that if those images  
4 were sold or downloaded first under Daniel --  
5 under --

6 I don't remember which one was first.  
7 It was probably --

8 MR. KAUFMAN: Suero.

9 A. -- Suero.

10 13. Yeah, only 13. And then --  
11 yeah, because we have 14 here. And then the photos  
12 were recaptioned -- were reccredited with the name of  
13 Daniel Morel, so that's why we have the same photo  
14 on two different charts.

15 Q. Well, let's take that one step at a  
16 time.

17 The "Document Picture Reference"  
18 identified in the Lisandro Suero chart, what is that  
19 referring to?

20 A. The first column?

21 Q. Yes.

22 A. Is the unique ID of that photo.

23 Q. And is it your understanding that  
24 when there was the caption change, that the unique  
25 number stayed the same for those images?

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2 A. No. And the proof is they have  
3 different numbers.

4 Q. So that is it your understanding that  
5 when the change occurred, a new number was provided  
6 for the images?

7 A. Correct.

8 Q. And the new number appears on the  
9 Daniel Morel side and the old number appears on the  
10 Lisandro Suero side?

11 A. It's supposed to be a unique ID, but  
12 you can see that you have like Washington on one  
13 side and you have Paris. So I think when they  
14 recredited the images, it was done by two different  
15 desks. So that's why the first two letters of the  
16 number were changed depending on which desk is the  
17 credit, between Washington and Paris. But each --  
18 but each photo should be so there should be a link  
19 between the two because the photo was supposed to  
20 have the same ID.

21 Q. Well, looking at these two charts,  
22 can you tell me which identical image appears on  
23 Tarot 2 and Tarot 1?

24 A. No, because I'm not -- I don't know  
25 how those unique numbers works and how they are



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2 created, so I have no idea how they connect.

3 Q. And is it your understanding that  
4 there were only eight Lisandro Suero images that  
5 were sold or marketed by AFP?

6 A. My understanding is there was seven  
7 so there was one less than the Morel.

8 Q. So there should only be seven  
9 distinct numbers, leaving aside the TR indication --

10 A. Correct.

11 Q. -- on the Lisandro Suero chart,  
12 correct?

13 A. Correct.

14 Q. And did you check to see that that's  
15 accurate?

16 A. Yes. I think that's accurate.

17 Q. Now, if you look at the first page of  
18 the Lisandro Suero chart -- let's go one, two,  
19 three, four, five, six, seven down.

20 It appears that that image,  
21 TRWas2801353, was downloaded at 1/14/2010 9:59 GMT.  
22 Correct?

23 A. Correct.

24 Q. Now, is it your understanding that  
25 all of the images of the Lisandro Suero had a credit

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2 change prior to that time?

3 A. Correct.

4 Q. If it had a credit change prior to  
5 that time, how is it that there is a sale of an  
6 image credited to Lisandro Suero after the credit  
7 change occurred?

8 A. That's a very good question, and I  
9 had the same question so I checked.

10 And the reason is because those two  
11 sales of the 14th of January are under the TR code  
12 and when the person did initially the change of  
13 credit, they change it in the editorial system and  
14 not in the archiving system.

15 Q. So does that mean that it's simply a  
16 mistake?

17 A. So it just means that they didn't  
18 change the credit in the both database at the same  
19 time. They did it later, and that's why you have  
20 two sales on the 14th of those images.

21 Q. On the 14th?

22 A. 14th.

23 Q. So is it your understanding that all  
24 of the times, leaving aside those two downloads,  
25 that appear on the Lisandro Suero chart are dated

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2 and timed prior to the Daniel Morel chart?

3 A. Correct.

4 Q. And did you check that?

5 A. Yes. I mean they are all coming  
6 after.

7 Q. Well, let's take just the ones at the  
8 top.

9 The download request date and GMT  
10 time for the first image on the Lisandro Suero chart  
11 is 1/13/2010 at 14:12. Do you see that?

12 A. Okay.

13 Q. Now, you wouldn't expect to see a  
14 sale of a Daniel Morel image prior to that time,  
15 correct?

16 A. Correct.

17 Q. And if you look at the first sale on  
18 the Daniel Morel chart, there is indeed a download  
19 request date and GMT time that precedes that, am I  
20 right?

21 A. Those TR photos, all the TR photos  
22 have not been -- the credit has not been changed at  
23 the same time as those photos identified under Was.  
24 So it might happen that all those photos identified  
25 under the TR ID might be actually after the download

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2 of the photo from Daniel Morel. But all the  
3 Washington credited photos should not. And I think  
4 they are not if you look at all the time. I don't  
5 see any -- I think that's correct.

6 Q. When you checked these charts, did  
7 you find any other items or aspects of the charts  
8 that made you wonder why the differences existed?  
9 Like you looked at the January 14th event, you told  
10 me, and tried to figure out why it was and you think  
11 you did figure out why it was that there could be a  
12 January 14th download of a Lisandro Suero image.  
13 Were there any other anomalies that you identified?

14 A. I checked, you know, all the columns  
15 and I looked at the figures and they seem to be  
16 accurate. So that was the main two things that I  
17 noticed, because at first I didn't understand the  
18 difference between the two charts.

19 Q. I see.  
20 And you found no other anomalies as  
21 you looked at this in preparation for today's  
22 deposition?

23 A. Not as I can remember. I think I  
24 have answers to all my questions so they were the  
25 main two -- the main one issue I had.

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2 Q. And the total for Lisandro Suero  
3 sales, that is sales of images attributed to  
4 Lisandro Suero, are they identified in the final  
5 page of Exhibit 2?

6 A. Correct.

7 Q. And that was \$7,417.70?

8 A. Correct.

9 Q. Using the same Euro conversion rate,  
10 correct?

11 A. Correct.

12 MR. BAIO: All right, let's take a  
13 couple of minutes.

14 MR. KAUFMAN: Okay.

15 THE VIDEOGRAPHER: The time is 7:23  
16 and we are going off the record.

17 (Recess taken.)

18 THE VIDEOGRAPHER: The time is 7:34  
19 and we are back on the record.

20 Q. You understand that you are still  
21 under oath, correct?

22 A. Yes.

23 Q. Looking back again at item 11 about  
24 which you are the representative, I think you had  
25 mentioned that in conjunction with a distribution or

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2 sale of images that there are contractual  
3 requirements that AFP clients who acquire images  
4 from AFP must follow. Is that correct?

5 A. Correct.

6 Q. And do those requirements, as you  
7 understand them, include crediting the images in a  
8 certain way that are required from AFP?

9 A. Correct.

10 Q. And the crediting would or the  
11 arrangements with the clients would require that  
12 they identify in the credit AFP, correct?

13 A. Yes.

14 Q. And if it's AFP and Getty that they  
15 get it from, they must identify AFP and Getty; is  
16 that correct?

17 A. Correct.

18 Q. And it's your experience that  
19 acquirers of the image understand they must do that?

20 A. It's contractual and it's a clause in  
21 all of our contracts.

22 Q. And AFP considers that important?

23 A. Very important.

24 Q. And why is that?

25 A. We are content producers so the

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2 copyright is very important for us.

3 Q. And the copyright credits in the  
4 hands of your clients are also very important to  
5 AFP?

6 A. Correct.

7 Q. And you want to make sure that there  
8 is an indication that the images are AFP content,  
9 correct?

10 A. Correct, or partners' content.

11 Q. And if it's partners' content, both  
12 are to be identified; is that correct?

13 A. Correct.

14 Q. And does AFP take steps to monitor  
15 the clients follow that contractual obligation?

16 A. With the new software and with the  
17 new tools that we are implementing it's one of our  
18 objectives, although it's not 100 percent followed  
19 by clients. You have clients that for certain  
20 reasons might forget the credit or might not --  
21 might forget sometimes Getty credit or it also  
22 happens for our partners when we have a change. So  
23 it's our task in the sales team to remind our  
24 clients to follow crediting and copyright notice.

25 Q. And that is important to AFP?

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2 A. Very important.

3 Q. And independent from image

4 recognition, since at least January of 2010 did AFP  
5 monitor its clients' use of content that was secured  
6 from AFP to see that that crediting was being  
7 followed?

8 A. It's a task that is requested to our  
9 sales team.

10 Q. And the task is that if it turns out  
11 that it is not properly credited to AFP, the sales  
12 team should alert the clients that it should do  
13 that?

14 A. Correct.

15 Q. Now, you also mentioned a watermark  
16 on images.

17 A. On the database.

18 Q. Okay. And on the database, what  
19 database are you referring to that contains a  
20 watermark?

21 A. Image Forum as well as Getty Images  
22 database.

23 Q. And on Image Forum, what watermark  
24 appears on the images that are being marketed or  
25 sold by AFP?



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2 A. I think "Image Forum."

3 I'm hesitating between "Image Forum"  
4 and "AFP." I think it's "Image Forum."

5 Q. So that what the watermark says is  
6 "Image Forum"; it doesn't say "AFP"?

7 A. I'm not so sure it says AFP. I think  
8 on Getty it says AFP.

9 Q. On Getty's feed or --

10 A. On Getty database the watermark on  
11 AFP photos is a logo of AFP. On AFP database, which  
12 is Image Forum, I think the watermark is "Image  
13 Forum" which is the database brand name of AFP.

14 Q. And AFP has trademarked that image;  
15 correct?

16 A. Correct.

17 Q. So far as you understand?

18 A. Correct.

19 Q. And so far as you understand, people  
20 who would see that watermark would understand that  
21 it's AFP-related?

22 A. Correct.

23 I would have to check whether this is  
24 Image Forum. It might be AFP. I'm not 100 percent  
25 sure.

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2 Q. And when the images originate from  
3 AFP but then are partnered and sold with Getty, does  
4 the watermark just say "AFP" or does it say  
5 "AFP/Getty"?

6 A. There is only one watermark.

7 Q. And that's AFP?

8 A. Or Image Forum.

9 Q. I see.

10 A. The purpose of the watermark is to  
11 prevent people to use the photo and reuse them  
12 without a license, because the watermark disappear  
13 when you have the -- when you are a subscriber and  
14 when you download the photo.

15 Q. And does the watermark also help to  
16 indicate the copyright credit?

17 A. The watermark, I don't think so.  
18 It's just to protect the image file. But all the  
19 metadata of the photo are on the side of the photo.  
20 On the side of the photo, including the credit.

21 Q. And that's required?

22 A. Yeah, it's required.

23 Q. Now, are there other sources of  
24 income or payment that AFP received in connection  
25 with the Lisandro Suero or the Daniel Morel images?

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2 A. No direct income.

3 Q. And what are the sources of indirect  
4 income?

5 A. That would be the wire, the photo  
6 wire.

7 Q. Let's go through the list and see if  
8 there is additional data.

9 A. Okay.

10 Q. So looking at number 11, do you  
11 know -- does AFP know how many subscribers  
12 downloaded the Lisandro Suero or Daniel Morel  
13 designated or credited images?

14 A. Yes.

15 Q. How many?

16 A. How many subscribers?

17 Q. Yes.

18 A. All those that are listed here.

19 Q. Those are only the a la carte  
20 subscribers, correct?

21 A. Correct.

22 Q. Is there any records that AFP has --  
23 First of all, does AFP know how many  
24 of its other subscribers downloaded the Lisandro  
25 Suero designated images?

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2 A. Correct.

3 Q. And the images that come through,  
4 there are contractual arrangements with those photo  
5 subscribers as to how they must credit the images,  
6 correct?

7 A. Correct. Same requirement as for the  
8 other subscribers.

9 Q. Okay. Now when you say full photo  
10 subscribers, are there other kinds of photo  
11 subscribers? Leaving aside the a la carte.

12 A. No.

13 Q. I have seen where AFP has claimed as  
14 many as 3,000 worldwide subscribers. Does that  
15 number sound familiar to you?

16 A. For global services, yes.

17 Q. So you were referring to the 500 when  
18 you said -- when you were referring to approximately  
19 500?

20 A. Correct.

21 Q. -- clients you were referring to  
22 which market?

23 A. I'm referring to the subscribers  
24 receiving the full photo wire.

25 Q. Worldwide?

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2 A. Worldwide.

3 Q. So what does the 3,000 subscribers  
4 worldwide number refer to?

5 A. The total number photo clients.

6 Q. So that would include --

7 A. All the a la carte clients and we  
8 have a lot of a la carte subscribers that have  
9 contracts with us, but there is certain months where  
10 they don't download photo. There are small packages  
11 for subscribers who need very limited number of  
12 photos and those clients don't want to subscribe to  
13 a full wire.

14 Q. And if you were to total those  
15 subscribers during this period to the number 500,  
16 what number do you come up with?

17 A. I'm sorry. Again?

18 Q. So far you have identified  
19 approximately 500 full photo subscribers from  
20 December 2009 through February of 2010.

21 A. Correct.

22 Q. Approximately. Now there is this  
23 group of other more sporadic subscribers.

24 A. They are a la carte clients.

25 Q. Yes. And what is the number during

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2 that relevant period?

3 A. That would be the difference, the  
4 2500.

5 Q. Okay. So it's about 2500?

6 A. Yes, yes.

7 Q. And are there any other customers or  
8 clients or licensees of AFP content besides that  
9 3,000 number?

10 A. No. They are those that supply the  
11 text or video or graphics.

12 Q. Does that include partners as well?  
13 That is, the number you've identified.

14 A. Correct.

15 Q. And the business records and  
16 knowledge of business records and sales for the  
17 period December 2009 through February 2010, that's  
18 number 15, do we have all the records with respect  
19 to Lisandro Suero and the Daniel Morel sales during  
20 that period?

21 A. For the a la carte?

22 Q. Yes.

23 A. Package, yes.

24 Q. And you have no idea as the AFP  
25 representative how many of the full photo

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2 subscribers used the Daniel Morel or the Lisandro  
3 Suero images, correct?

4 A. No, and I think AFP has no way to  
5 know that.

6 Q. Even now with image recognition is it  
7 your testimony that they could not find out how many  
8 of its subscribers among let's say first the 500  
9 used the image?

10 A. Well, the technology didn't exist at  
11 that time so there is no way to know.

12 Q. But since it has existed, one can do  
13 a search, correct? You can search your 500  
14 subscribers on the Internet and see how many of them  
15 have still made available Lisandro Suero or Daniel  
16 Morel images, correct?

17 A. Well, except that those photos have  
18 been removed from the Internet, so they completely  
19 disappeared from the Internet.

20 Q. Well, you weren't here for the  
21 deposition. In fact, it hasn't disappeared from the  
22 Internet. There are hundreds of sites that have  
23 those images with those credits.

24 Has there been any attempt by AFP to  
25 determine how many of its subscribers still have the

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2 Daniel Morel or the Lisandro Suero images on their  
3 websites?

4 A. There have been requests from our  
5 legal team to contact a limited number of clients.  
6 That was a long time ago and we contacted those  
7 clients that had still all the pages in the  
8 archives.

9 Q. And did you participate in that?

10 A. I did.

11 Q. And whom did you contact?

12 A. There were probably less than ten  
13 clients. There were probably like I think it's six  
14 or seven clients.

15 Q. And did you ever confirm that the  
16 other 490 clients or so did not use the images on  
17 their website?

18 A. So far we were not alerted that they  
19 were using the photo so we didn't have a reason to  
20 contact them because they had all the information in  
21 our database and the photos had been removed.

22 Q. So no contact was made to those  
23 individuals, other entities that are subscribers who  
24 may still have the images on their website?

25 A. Well, they have been contacted



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2 through our editorial kill.

3 Q. And did anyone talk to you about that  
4 editorial kill? That is, any of the clients who  
5 received it.

6 A. Yes. They were also informed that we  
7 have embargoes or kill in our feed and they have to  
8 stick to those information that they receive in  
9 their feed.

10 Q. I'm asking a different question. Did  
11 any subscribers or clients contact you on that  
12 subject? That is, the Daniel Morel -- the kill on  
13 the Daniel Morel images. Did anyone contact you  
14 personally?

15 A. They replied to our request. For the  
16 few clients that we contact to remove the photo from  
17 the archive, they confirmed to us that they had  
18 removed the images.

19 Q. And did you or anyone at AFP confirm  
20 that they had in fact removed the images?

21 A. We had in the sales team to confirm  
22 to our legal that those clients that we were  
23 instructed to contact had effectively removed those  
24 images.

25 Q. And did people in your departments or

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2 group actually do that?

3 A. Yes.

4 Q. And who were the entities that -- the  
5 six or seven that you identified, who were those  
6 entities?

7 A. One of them was, for example, the  
8 National Post in Canada, which is a client, which is  
9 actually not a direct client of us because they are  
10 served by Getty Images. They are delivered and  
11 monitored by Getty images.

12 Newsweek was one of them.

13 I remember those because they are big  
14 clients. And we also contacted Getty to ensure that  
15 they were also doing the proper contact with them.

16 Q. And did you --

17 A. Because legally they were not under  
18 contract with us, they were under contract with  
19 Getty.

20 Q. Did you confer with people at Getty  
21 on that subject?

22 A. Correct.

23 Q. Who?

24 A. My counterpart at Getty Images in  
25 New York.

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2 Q. And what is his name?

3 A. Her name is Katie Calhoun.

4 Q. And Ms. Calhoun, did she say that she  
5 was undertaking on behalf of Getty Images to contact  
6 those who had acquired the images through Getty?

7 A. She replied to me that she was very  
8 aware of the situation and they had taken proper  
9 action to ensure that those images were removed by  
10 those clients.

11 Q. When did she do that?

12 A. I think it was around -- my e-mail  
13 was around November 2010.

14 Q. So that was almost nine months after?

15 A. That was after we were requested to  
16 do additional action and my understanding was that  
17 that was intended for pages that had been archived  
18 by those clients that didn't remove the content.

19 Q. And did Ms. Calhoun tell you in words  
20 or substance this is AFP's problem, not Getty's  
21 problem?

22 A. No, she never told me that.

23 Q. Did anyone at Getty Images tell you  
24 that?

25 A. No.

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2 Q. Who else did you contact and when?

3 Were these contacts all made in November of 2010?

4 A. Those?

5 Q. The six or seven?

6 A. Yes.

7 Q. And do you remember who else it is  
8 besides the National Post, Newsweek and Getty?

9 A. The Huffington Post.

10 I apologize for my accent.

11 Q. Did you make that contact?

12 A. No. That was Getty.

13 Q. What other contacts did AFP do, so  
14 far as you know, in that time period?

15 A. By my team?

16 Q. Yes, your team.

17 A. That was all.

18 Q. And are there correspondence that  
19 reflect those contacts?

20 A. Yes.

21 Q. Do you know if it's been produced,  
22 that correspondence?

23 A. Yes.

24 Q. Now, have you seen in connection with  
25 some of these images the indication

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2 "AFP/Getty/Morel" or something like that?

3 A. No, I haven't seen that.

4 Q. Have you seen "AFP/Morel"? With  
5 respect to these images.

6 A. No.

7 Q. Have you seen "AFP/Lisandro Suero" or  
8 "Suero"?

9 A. No.

10 Q. What credits have you seen in  
11 connection with the images that are identified in 1  
12 and 2, copyright credits?

13 A. I've seen AFP and name of the  
14 photograph -- AFP stringer actually.

15 THE VIDEOGRAPHER: The time is 8:03  
16 and we are going off the record.

17 (Recess taken.)

18 THE VIDEOGRAPHER: The time is 8:06  
19 and this begins tape number 2 of the  
20 videotaped deposition of Gilles Tarot.

21 Q. You understand you are still under  
22 oath, correct?

23 A. Correct.

24 Q. Now, you were referring to a credit  
25 that you recall seeing in connection with either the

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2 Morel-designated images or the Lisandro Suero images  
3 and what you said was AFP stringer?

4 A. On our database I saw AFP stringer  
5 and the name of the photographer.

6 Q. Morel?

7 A. Or Lisandro.

8 Q. Or Lisandro. And that's on AFP's  
9 database?

10 A. Yes.

11 Q. And what about on the feed to its  
12 subscribers?

13 A. I don't have access to that so I  
14 don't know what -- how the photos are credited there  
15 but probably the same.

16 Q. And what is your understanding of  
17 what it means as a matter of -- you know, as who  
18 owns the copyright when it says "AFP/" and then  
19 something follows?

20 A. It belongs to the one who follows.

21 Q. It doesn't belong to AFP?

22 A. When this is another entity, for  
23 example, AFP/Getty Images, the photo will be owned  
24 by Getty Images.

25 Q. And not by AFP?

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2 A. And not by AFP. AFP will just be a  
3 distributor.

4 Q. The name that appears first is the  
5 distributor?

6 A. I'm not sure which order it is.  
7 Contractually it should be "Getty Images/AFP" --  
8 (inaudible).

9 COURT REPORTER: I'm sorry. It  
10 should be "Getty Images/AFP" --

11 MR. BAIO: If the copyright is  
12 owned by Getty Images.

13 Q. Now if AFP's name appears first, does  
14 that mean it's AFP's copyright?

15 A. Well, if AFP owns the copyright, then  
16 there is only one name, which is AFP.

17 Q. And what if it says "AFP/Getty"; what  
18 does that mean?

19 A. It means that Getty is distributing  
20 our images and that the copyright is owned by AFP.

21 Q. I see.

22 So I am just going to use this as an  
23 example and we will mark it as an exhibit, the  
24 New York Times.

25 MS. HOFFMAN: That's my newspaper.

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2 MR. BAIO: This is going to be  
3 Exhibit 3.

4 (Tarot Exhibit 3, front page of the  
5 New York Times dated 9/15/2011, marked for  
6 identification.)

7 Q. This is going to be Tarot 3.

8 If you look at the image that appears  
9 here on the first page at the extreme right column,  
10 what does it say underneath that?

11 A. It says, "Agence France Presse/Getty  
12 Images." So it means the images is owned by AFP and  
13 distributed by Getty Images as our distributor in  
14 the U.S.

15 Q. And who was the photographer?

16 A. An AFP photographer.

17 Q. I see. So if there is no name  
18 afterward, that would mean that it's a photographer  
19 of the first entity?

20 A. Correct.

21 Q. And the sequence is first entity is  
22 the owner of the copyright and the second entity is  
23 the distributor?

24 A. Yes.

25 Q. Is that your understanding?



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2 A. Correct. And name of photographer  
3 is --

4 Q. Could be third?

5 A. No. There is never room to put the  
6 name of the photographer. On a photo like this  
7 there is no way you can add a name.

8 Q. I see.

9 The name can be first, though? That  
10 is, the name of the photographer.

11 A. Correct. But usually you put the  
12 name of the photographer when there is only one  
13 entity.

14 Q. One entity that is distributing the  
15 image?

16 A. No. When there is a photographer  
17 from an entity, you can have the name of the  
18 photographer, slash, the entity.

19 Q. I see.

20 A. But not all clients follow that rule.

21 MR. BAIO: I have no further  
22 questions, other than my concern that I  
23 couldn't ask questions about certain of  
24 the topics.

25 MR. KAUFMAN: Okay. No questions.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
AGENCE FRANCE PRESSE,

Plaintiff,

v.

Case No. 10-cv-2730 (WHP)

DANIEL MOREL

Defendant and Counterclaim  
Plaintiff,

v.

ACKNOWLEDGMENT

AGENCE FRANCE PRESSE,


Counterclaim Defendant,

And

GETTY IMAGES (US), INC., CBS BROADCASTING,  
INC., ABC, INC., TURNER BROADCASTING, IND.  
And (AFP and Getty Licensees does 1 – et al.)

Third Party Counterclaim  
Defendants.  
----- X

I, GILLES TAROT, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of September 15, 2011, that the transcript is a true, complete and correct record of my testimony, except for the corrections, if any, noted in the attached errata sheet, and that the answers on the record as given by me are otherwise true and correct.

  
GILLES TAROT

Sworn and subscribed to before me  
this 17 day of October, 2011.

  
Notary Public

**Colette D. Jackson**  
Notary Public District of Columbia  
My Commission Expires 10/31/15

Gilles Tarot Deposition Corrections

P12 L15: Answer should read: News use or news context. All the content is used in a news context, editorially.

P12 L22: "or" instead of "of" video producers.

P15 L21 "not" is missing, should read "...but you cannot instruct ..."

P20 the "--" should be "Daniel Morel"

P28 L811-12 should be: There is not many photos on this website. There are just a few photos (as examples)

P29 L5 should be: There are not many photos on AFP.com so...

P33 L7 should read: No. and they would not.

P60 L6 should be "AP" instead of "AFP"

P60 L 8 should read: but it might be a Reuter's photo or an AP photo.

P67 L10 should replace "supply" by "receive"



"All the News  
That's Fit to Print"

# The New York Times

Late Edition

Today, showers, a thunderstorm, not as warm as recent days, high 77. Tonight, clearing, breezy, cooler, low 50. Tomorrow, sunny, cool, high 66. Weather map is on Page A26.

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RINA CASTELNUOVO FOR THE NEW YORK TIMES

## Palestinians Ready for a Diplomatic Leap

Israeli soldiers are preparing for Palestinian statehood demonstrations in the West Bank next week. On Wednesday, soldiers in Hebron let a Palestinian girl pass through their barbed wire. Peaceful rallies were called for in many Palestinian cities. Page A6.

### NEWS ANALYSIS

## Seeing Ripple In Jewish Vote

### Policies Toward Israel May Hurt Democrats

By MARK LANDLER

WASHINGTON — Not since Jimmy Carter in 1980 has a Democrat running for president failed to win a lopsided majority of the Jewish vote. This has been true during times of peace or war, and even when there has been deep acrimony between the White House and the Israeli government.

Republicans see a chance to change that in 2012, with President Obama locked in a tense relationship with Israel's leaders and criticized by many American Jews as being too tough on a close and favored ally. Tuesday's Republican upset in New York's Congressional election, they say, is a sign of bad things to come for Mr. Obama.

Sensing trouble, the Obama campaign and Democratic Party leaders have mobilized to solidify the president's standing with Jewish voters. The Democratic National Committee has established a Jewish outreach program. The campaign is singling out Jewish groups, donors and other supporters with calls and e-mails to counter the Republican narrative that Mr. Obama is hostile to Israel.

Among those efforts is a multi-

Continued on Page A4

## On Way to Congress, Already Talking of Staying

By THOMAS KAPLAN  
and KATE TAYLOR

Bob Turner, who won a special election on Tuesday to succeed Anthony D. Weiner in Congress, emerged onto his porch in Rockaway Point, Queens, at 9:45 on Wednesday morning in a polo shirt and shorts and bare feet, still groggy from his victory party the night before.

"I thought my 15 minutes was over," Mr. Turner said as he bent down to pick up his newspaper.

But his moment is only beginning. On Wednesday night, at

a gala Republican dinner in Manhattan, he was hailed as a hero by party leaders, who pulled out smartphones and digital cameras to pose with him, and who chanted "Turner! Turner! Turner!" as he rose to speak in a high-ceilinged ballroom. And on Thursday morning, he was scheduled to be sworn in at the United States Capitol as a 70-year-old Congressional freshman.

A retired television executive who helped create "The Jerry Springer Show," Mr. Turner now has only months to prove that he is more than a passing expres-

sion of anger by a piqued electorate whose congressman resigned after a scandal involving lewd online behavior. The district he will represent, New York's Ninth, was widely expected to be eliminated next year. Mr. Turner's election is forcing state lawmakers to rethink redistricting plans, and he says that, however they redraw the political map, he plans to fight to remain in Congress.

"People have said the district will disappear," he told reporters on Wednesday during a news

Continued on Page A30



ULI SEITZ FOR THE NEW YORK TIMES

Bob Turner, on his porch in Queens, a day after his upset victory in a Congressional race.

## There's an Exciting Clash on the Field. Oh, That's the Uniform.

By MIKE TANIER

The right side of the helmet was covered in a black and gold diagonal checkerboard pattern. The left side displayed a red and white cross. The patterns extended from the helmet to the shoulders, and some players accentuated them with similarly styled armbands.

The uniform suggested many things: a quilting bee enhanced by Jell-O shots, a team of jesters in the time of Lord George Calverly, a "Project Runway" challenge to make high fashion out of a state flag gone horribly wrong. It was the University of Mary-



ROB CARB/GETTY IMAGES

"Maryland Pride" on display.

land's "Maryland Pride" football uniform, the latest in a trend of bold jersey and helmet designs that, depending on one's tastes, can be described as fashion forward, garish or blindness-induc-

ing. Perhaps for that reason, the jersey was not put on sale to the general public. No problem, really, for Maryland intends to use at least four other jerseys this season, all of which will be for sale. For years, professional and college teams have been pushing the boundaries of taste and commercialism with their uniforms, prepared to abandon tradition in pursuit of consumer dollars. But this year the trend has become something of a frenzy, with uniforms changing week to week, and the apparel makers and universities becoming quite frank about what's at play.

"The trend in uniform design is more toward making costumes

for superheroes than uniforms for athletes," said Paul Lukas, athletic uniform reporter for ESPN and editor of the Web site Uni-Watch.com. Mr. Lukas is often critical of both noisy fashion statements and the manufacturers and universities that make them. "Last night a very foolish school and a very foolish company showed just how desperate for attention they are," he wrote after the Maryland game.

These uniforms, if they make traditionalists wince and sports-writers snicker, do seem to excite recruits and move younger fans to break out their credit cards. The Maryland Pride uniform was

Continued on Page B17

## Islamists' Growing Sway Raises Questions for Libya

### Repressed by Qaddafi, Hard-Liners Emerge as Best-Organized Political Faction

By ROD NORDLAND and DAVID D. KIRKPATRICK

TRIPOLI, Libya — In the emerging post-Qaddafi Libya, the most influential politician may well be Ali Sallabi, who has no formal title but commands broad respect as an Islamic scholar and populist orator who was instrumental in leading the mass uprising.

The most powerful military leader is now Abdel Hakim Belhaj, the former leader of a hard-line group once believed to be aligned with Al Qaeda.

The growing influence of Islamists in Libya raises hard questions about the ultimate character of the government and society that will rise in place of Col. Muammar el-Qaddafi's autocracy. The United States and Libya's new leaders say the Islamists, a well-organized group in a mostly moderate country, are sending signals that they are dedicated to democratic pluralism. They say there is no reason to doubt the Islamists' sincerity.

But as in Egypt and Tunisia, the latest upheaval of the Arab Spring deposed a dictator who had suppressed hard-core Islamists, and there are some worrisome signs about what kind of

government will follow. It is far from clear where Libya will end up on a spectrum of possibilities that range from the Turkish model of democratic pluralism to the muddle of Egypt to, in the worst case, the theocracy of Shiite Iran or Sunni models like the Taliban or even Al Qaeda.

Islamist militias in Libya receive weapons and financing directly from foreign benefactors like Qatar, a Muslim Brotherhood figure, Abdel al-Rajazk Abu Hajar, leads the Tripoli Municipal Governing Council, where Islamists are reportedly in the majority; in eastern Libya, there has been no resolution of the assassination in July of the leader of the rebel military, Gen. Abdul Fattah Younes, suspected by some to be the work of Islamists.

Mr. Belhaj has become so much an insider lately that he is seeking to unseat Mahmoud Jibril, the American-trained economist who is the nominal prime minister of the interim government, after Mr. Jibril obliquely criticized the Islamists.

For an uprising that presented a liberal, Westernized face to the

Continued on Page A8

## In Rebuke to Iran's President, Courts Void Release of Hikers

By DAVID D. KIRKPATRICK

CAIRO — To pave the way for his annual visit to the United Nations, Iran's president, Mahmoud Ahmadinejad, announced with great fanfare this week the imminent release of two American hikers sentenced to eight years for espionage.

Not 24 hours later, Iran's courts issued a stinging public rebuke: they said he did not have the authority to free the prisoners.

The fate of the two American hikers remains uncertain, since the courts said they would review the defendants' application for bail. But the back and forth has delivered a blow to Mr. Ahmadinejad's already diminished standing at home, allowing his adversaries within Iran's system to undercut his credibility as he prepared to mingle with the heads of state and to court international news media at the General Assembly gathering next week.

"The conservatives are trying to establish the fact that Ahmadinejad is not their boss," said Vahid Nasr, a professor at Tufts University and an expert in Iranian affairs. "He is a weakened president, and they are perfectly com-

Continued on Page A13



AGENCE FRANCE PRESSE — GETTY IMAGES  
A defeat for President Mahmoud Ahmadinejad of Iran.

## Austere Italy? Check the Traffic

By RACHEL DONADIO

COMITINI, Italy — With only 960 residents and a handful of roads, this tiny hilltop village in the arid, sulfurous hills of southern Sicily does not appear to have major traffic problems. But that does not prevent it from having one full-time traffic officer — and eight auxiliaries.

The auxiliaries, who earn a respectable 800 euros a month, or \$1,100, to work 20 hours a week, are among about 64 Comitini residents employed by the town, the product of an entrenched jobs-for-votes system pervasive in Italian politics at all levels.

"Jobs like these have kept this city alive," said Caterina Valenti, 41, an auxiliary in a neat blue uniform as she sat recently with two colleagues, all on duty, drinking coffee in the town's bar on a hot afternoon. "You see, here we are at the bar, we support the economy this way."

But what may be saving Com-

itini's economy is precisely what is strangling Italy's and other ailing economies throughout Europe. Public spending has driven up the public debt to 120 percent of gross domestic product, the highest percentage in the euro zone after Greece's. In recent weeks, concerns about Italy's solvency and the shaky finances of other deeply indebted European nations have sapped market confidence and spread fears about the stability of the euro itself.

On Wednesday, Italy's lower house of Parliament gave final passage to a \$74 billion austerity package aimed at eliminating Italy's budget deficit by 2013. But analysts doubt that the measures — primarily tax increases but also cuts in aid to local governments, a higher retirement age for women in the private sector and a change in Italy's labor law to make it easier for companies to

Continued on Page A3

INTERNATIONAL A6-13

### U.S. Blames Group for Attacks

Officials said the siege of American and NATO sites in Kabul, Afghanistan, bore the hallmarks of the Pakistan-based Haqqani network. PAGE A6

### Colombia Ex-Spy Chief Jailed

Jorge Noguera was sentenced to 25 years in prison for his role in the 2004 murder of a sociologist. PAGE A8

NEW YORK A27-32

### Bike-Share Operator Is Chosen

New York City picked an Oregon company to operate its bike-share program, but pushed back the start date. PAGE A37

NATIONAL A14-25

### Turning Up Heat Over Loan

Republicans released administration e-mails about a solar firm that got a federal loan and went bankrupt. PAGE A25

### NASA Rocket Aims Far

NASA unveiled plans for a behemoth rocket that would allow it to push farther out into the solar system. PAGE A22

ARTS C1-8

### The Arts as Economic Engines

Foundations, corporations and federal agencies have joined a new consortium to sponsor arts projects around the country as aids to development. PAGE C1

BUSINESS DAY B1-11

### A Breather in the Greek Crisis

Greece vowed to keep its austerity promises, and France and Germany said they would stand behind the nation, calming the debt crisis for now. PAGE B1

### Auto Talks Go On

Chrysler's chief asked the United Automobile Workers to extend their contract as a midnight deadline passed. PAGE B1

HOME D1-10

### Sleep Like a Pro

Some makers of sheets, pillows and mattresses have begun marketing their products as fitness aids. PAGE D1



THURSDAY STYLES E1-20

### The Pulse of Fashion Week

While the shows march on at Lincoln Center, the event draws its energy from a young, downtown crowd. As one guest put it, they are eager "to be seen and to see what's new." PAGE E1

SPORTS THURSDAY B12-17

### Mariano Rivera's Other Side

The baseball world is turning its attention to Mariano Rivera as he approaches the major league record for saves in a career. But his teammates on the Yankees like to talk about a little-known side of their longtime closer — his quiet, but vital role as a respected team leader. PAGE B12

EDITORIAL, OP-ED A34-35

Gail Collins

PAGE A25

